

SUMMARY REPORT DIGEST-
COMPLAINT REGISTER INVESTIGATION NO.:
CHICAGO POLICE DEPARTMENT

186321

DATE OF REPORT (DAY-MO.-YEAR)

18 March 1992

To be used in all cases that are to be classified as either EXONERATED, UNFOUNDED, NOT SUSTAINED, or
in SUSTAINED cases where the Disciplinary Recommendation does not exceed FIVE (5) DAYS SUSPENSION.

SUBMIT ORIGINAL AND 3 COPIES IF ASSIGNED TO SAME UNIT AS ACCUSED.
SUBMIT ORIGINAL AND 4 COPIES IF NOT ASSIGNED TO SAME UNIT AS ACCUSED.

TO: SUPERINTENDENT OF POLICE

ATTENTION ADMINISTRATOR IN CHARGE, OFFICE OF PROFESSIONAL STANDARDS
 ASSISTANT DEPUTY SUPERINTENDENT, INTERNAL AFFAIRS DIVISION

FROM-INVESTIGATOR'S NAME <u>Ellen EGAN</u>		RANK SGT	STAR NO. 2139	SOCIAL SEC. NO.	EMPLOYEE NO.	UNIT ASSIGN. 121-G			
ADDRESS OF INCIDENT 644 [REDACTED] S. ALBANY		DATE OF INCIDENT - TIME 6 August 1992-2215		SEAT OF INCIDENT 831		LOCATION CODE* 14			
ACCUSED	NAME 1. Ralph DIFIORE	RANK SGT	STAR NO. 921	SOCIAL SEC. NO.	EMPLOYEE NO.	UNIT ASSIGN. 176			
	2. Michael WILLIAMSON	P.O.	14289	[REDACTED]	[REDACTED]	008			
	SEX/RACE D.O.B. 1. M/W [REDACTED] 1945	DATE OF APPOINTMENT 22 FEB 1971	DUTY STATUS (TIME OF INCIDENT) <input type="checkbox"/> ON DUTY <input checked="" type="checkbox"/> OFF DUTY		<input checked="" type="checkbox"/> SWORN <input type="checkbox"/> CIVILIAN	PHYS. COND. CODE† 01			
	2. M/W [REDACTED] 1961	13 Apr 1987	<input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY		<input checked="" type="checkbox"/> SWORN <input type="checkbox"/> CIVILIAN	01			
IF APPLICABLE * DATE ARRESTED/INDICTED 1. 2.		CHARGES		COURT BRANCH	DISPOSITION & DATE				
NAME [REDACTED]		ADDRESS** [REDACTED]		CITY STATE [REDACTED]	TELEPHONE [REDACTED]	SEX/RACE M/W	D.O.B./AGE [REDACTED] 72	PHYS. COND. CODE† 01	
CONA									
VICTIMS		NAME [REDACTED]		ADDRESS** [REDACTED]	CITY STATE [REDACTED]	TELEPHONE [REDACTED]	SEX/RACE [REDACTED]	D.O.B./AGE [REDACTED]	PHYS. COND. CODE† [REDACTED]
WITNESSES		NAME [REDACTED]		ADDRESS** [REDACTED]	CITY STATE [REDACTED]	TELEPHONE [REDACTED]	SEX/RACE [REDACTED]	D.O.B./AGE [REDACTED]	PHYS. COND. CODE† [REDACTED]

SEE ATTACHED SHEET FOR ADDITIONAL ACCUSED, COMPLAINANTS, VICTIMS, WITNESSES.

ALLEGATIONS

This complaint was registered with the Office of Professional Standards
Inv. CHICO #43 on 6 August 1991.

(See Additional page for Allegations)

I.A.D. LOCATION CODES*

- | | |
|----------------------------------|--|
| 01 Food Sales/Restaurant | 11 Public Transportation Veh./Facility |
| 02 Tavern/Liquor Store | 12 Park District Property |
| 03 Other Business Establishment | 13 Airport |
| 04 Police Building | 14 Public Property - Other |
| 05 Lockup Facility | 15 Other Private Premise |
| 06 Police Maintenance Facility | 16 Expressway/Interstate System |
| 07 CPD Automotive Pound Facility | 17 Public Way - Other |
| 08 Other Police Property | 18 Waterway, Incl. Park District |
| 09 Police Communications System | 19 Private Residence |
| 10 Court Room | |

I.A.D. PHYSICAL CONDITION CODES†

- | |
|---|
| 01 No Visible Injury - Apparently Normal |
| 02 No Visible Injury - Under Influence |
| 03 Injured, Not Hospitalized |
| 04 Injured, Not Hospitalized - Under Influence |
| 05 Injured, Hospitalized |
| 06 Injured, Hospitalized - Under Influence |
| 07 Injured, Refused Medical Aid |
| 08 Injured, Refused Medical Aid - Under Influence |
| 09 Deceased |
| 10 Deceased - Under Influence |

* * IF CPD MEMBER, LIST RANK, STAR, SOCIAL SECURITY, EMPLOYEE NOS. IN ADDRESS BOX, PAX/BELL IN TELEPHONE BOX.

SUMMARY

Briefly summarize the investigation describing your efforts to prove or disprove the allegation(s). Indicate whether witnesses or evidence support or do not support the allegation(s).
 In sustained cases ONLY, copies of the accused member's Summary of Previous Disciplinary Actions and Record of Previous Complimentary History will be included as attachments.

) See Page 1 A)

ATTACHMENTS

INVESTIGATIVE REPORTS— SUPPORTING ALLEGATION LIST ATTACHMENT NUMBERS:	INVESTIGATIVE REPORTS— SUPPORTING ACCUSED MEMBER(S) LIST ATTACHMENT NUMBERS:	PHYSICAL EVIDENCE LIST ATTACHMENT NUMBERS:	TOTAL NUMBER OF ATTACHMENTS SUBMITTED WITH THIS FILE:
6,	4,10,11,12,13,17,19	0	20

Summarize the findings and recommendations. Rule violations will be cited by number only. One overall recommendation for Disciplinary Action will be made by the investigator. The recommendation will be for ALL sustained findings; recommendations will NOT be made for each sustained allegation.

Example: 1. Violation noted, no disciplinary action warranted. 2. That the accused member be reprimanded. 3. That the accused member be suspended for days (not to exceed 5 days).

FINDINGS—RECOMMENDATIONS

(See Page 1 A)

REVIEWED BY: #15757
 DATE: APR 6 1992

DATE INITIATED (DATE COMPLAINT WAS RECEIVED FOR INVESTIGATION)	DATE COMPLETED (DATE OF THIS REPORT)	ELAPSED TIME (TOTAL TIME, EXPRESSED IN DAYS)
8 August	18 March 1992	220

Investigator will initiate the Command Channel Review form by completing the Investigator's Section.

IF NECESSARY, USE AN 8½ x 11" SHEET OF PAPER.
 [Redacted] TEM.

ADDITIONAL ACCUSED:

3. P.O. William SOTAK #11704 SS# [REDACTED] Emp# [REDACTED] 008th District
M/W dob: [REDACTED] 1966 DOA 26 March 1990 on Duty Sworn 01
4. P.O. William WATSON # 14177 SS# [REDACTED] Emp# [REDACTED] 008th District
M/B DOB [REDACTED] 943 DOA: 17 Nov. 1986 on Duty Sworn 01
5. P.O. Kevin GLOVER #17615 SS# [REDACTED] Emp# [REDACTED] 008th District
M/B DOB [REDACTED] 1959 DOA 9 Sept. 1985 On Duty Sworn 01

ALLEGATIONS:

- ALLEGATION #1: That Sergeant DIFIORE, while off duty, punched and battered [REDACTED]
[REDACTED] while he was handcuffed and being escorted to a squad car.
- ALLEGATION #2: Officer's William SOTAK, William WATSON, Keving GLOVER, and Michael WILLIAMSON, had arrested [REDACTED] and while in their custody was battered by Sergeant DIFIORE.

EVIDENCE SHEET

1. Complaint Against Department Member
2. Initiation Report submitted by Sergeant Victoria STANEK #759: dated 6 August 1991
3. Report of Investigator DE La PAVA #66 OPS: dated 7 August 1991
4. Reports of Lt. Raymond MILLER #579 dated 7 August 1991
Pertaining to the arrest of [REDACTED] for Resisting Arrest.
5. Report of Sergeant Ellen EGAN# 2139 ,GIS,IAD dated 9 August 1991
Copy of Cease and Desist Order
6. Report of Sergeant Ellen EGAN,#2139, GIS,, IAD dated 3 September 1991
Interview of Complainant, [REDACTED]
7. Report of Sergeant Ellen EGAN,,#2139, GIS, IAD dated 3 September 1991
Interview of Witness: [REDACTED]
8. Report of Sergeant Ellen EGAN,#2139, GIS, IAD dated 4 October 1991
9. Report submitted by Lieutenant Frank TRIGG dated 4 October 1991
Reference Judicial Non-Traffic Summons Against a Department Member
10. Report of Sergeant Ellen EGAN,Dated 10 October 1991
Interview of [REDACTED],father of complainant
11. Notification of Charges/Allegations/Administrative Rights/Waiver of
Counsel/Request to Secure Counsel/Statement of Accused
P.O. Michael WILLIAMSON #14289 dated 24 October 1991
12. Notification of Charges/Allegations/Administrative Rights/Waiver of
Counsel/Request to Secure Counsel/Statement of Accused
P.O. William SOTAK,#11704 dated 18 November 1991

EVIDENCE SHEET (continued)

13. Notification of Charges/Allegations/Administrative Rights/Waiver of Counsel/Request to Secure Counsel/Statement of Accused P.O. William WATSON # 14177, dated 4 December 1991
14. Report of Sergeant Ellen EGAN#2139, GIS,IAD, dated 11 December 1991 Interview of Complainant's mother: [REDACTED]
15. Report of Sergeant Ellen EGAN,#2139, GIS, IAD dated 11 December 1991 Interview of [REDACTED]
16. Report of Sergeant Ellen EGANN,#2139, GIS, IAD dated 12 December 1991 Regarding Monitoring of Court Appearance of Sergeant DIFIORE, Branch 49
17. Notification of Charges/Allegations/Administrative Rights/Waiver of Counsel/Request to Secure Counsel/Statement of Accused P.O. Keving GLOVER #17615 dated 30 December 1991
18. Report of Sergeant Ellen EGAN,#2139, GIS, IAD dated 4 March 1992 Status Check of accused Sergeant DIFIORE,
19. Notification of Charges/Allegations/Administrative Rights/Waiver of Counsel/Request to Secure Counsel/Statement of Accused Sergeant Ralph DIFIORE #921 dated 11 March 1992
20. Photos of Complainant: [REDACTED]

SUMMARY REPORT DIGEST
(Page 1A)

The investigation relative to this complaint regarded allegations that the accused sergeant struck the complainant while he was handcuffed and being escorted to a squad car. At the time of this incident the accused sergeant was off duty. [REDACTED] was arrested on 6 August 1991 for battery, he was alleged to have battered the step-daughter of the accused sergeant. [REDACTED] claimed that he and [REDACTED] (stepdaughter of accused) had an argument during the course of the argument [REDACTED] became violent slapped him and struck him in the face with a portable type radio. He further related that when the police arrived at his home to arrest him he became angry and made racial slurs to the officers. [REDACTED] admitted that he was uncooperative and resisted his arrest. During the process the arresting officers attempted to handcuff him they fell to the floor knocking over a table. [REDACTED] was explicit that none of the arresting officers ever struck or abused him during his arrest.

[REDACTED] expressed that when being escorted from his house he observed the accused in front of his house. [REDACTED] claimed that the accused approached him while being escorted to the squad car and struck him in the face.

At the time of [REDACTED] arrest in the house his grandmother was present and witnessed [REDACTED] resisting. When she was interviewed she confirmed that there was a struggle because [REDACTED] was upset, but she also confirmed the fact that the arresting officers never struck or abused her grandson. [REDACTED] (the grandmother) further related that she remained in the house after the arrest and did not see the accused strike [REDACTED]

[REDACTED] Statements were obtained from the accused (Arresting Officers) addressing the allegation that while [REDACTED] was in their custody he was battered by the accused sergeant. These officers responded to these allegations which indicated that there had been a struggle during the course of [REDACTED] arrest. They acknowledged that the accused was on the scene, but they did not observe the accused strike [REDACTED]

[REDACTED] The accused (Arresting Officers) indicated that it was possible that [REDACTED] could have sustained injuries as a result of his resisting arrest. [REDACTED] was charged with battery and resisting arrest.

On 4 October 1991 Lieutenant Frank TRIGGS notified the undersigned that [REDACTED] was seeking a warrant against Sergeant DIFIORE. Judge BOWIE did issue the warrant against Sergeant DIFIORE for battery and set a date of 12 December 1991. The court proceedings were monitored and on 12 December 1991 the case was SOL because [REDACTED] did not appear in court.

Sergeant DIFIORE responded in his statement and he denied striking [REDACTED] [REDACTED] Sergeant DIFIORE related that his stepdaughter phoned him and claimed she had been battered by her boyfriend, [REDACTED]. Sergeant DIFIORE claimed he went to where his stepdaughter was at and then went to the house of the complainant. He did not witness the physical arrest of [REDACTED]

[REDACTED] account of the events which resulted in his arrest included being slapped in the face and struck with a radio in the face by his girlfriend. He also admitted to resisting his arrest which resulted in a struggle while the officers were attempting to handcuff him and place him under arrest.

FINDINGS:

ALLEGATION #1: NOT SUSTAINED: Lack of evidence to prove or disprove.

ALLEGATION #2: NOT SUSTAINED: Lack of evidence to prove or disprove.